

Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 BUENOS 06394 291437Z

45

ACTION EB-11

INFO OCT-01 ARA-16 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 L-03 SS-15 NSC-10

IO-13 AID-20 IGA-02 RSR-01 /112 W

----- 084493

R 291300Z AUG 73

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 3410

C O N F I D E N T I A L BUENOS AIRES 6394

E.O. 11652: GDS

TAGS: ETRN, AR

SUBJ: CIVAIR US/ARGENTINE ARRANGEMENT

REF: A) STATE 145208; B) BA-5274

1. SUMMARY. INDICATIONS INCREASING THAT GOA WILL SHORTLY INSIST UPON RENEGOTIATING PROVISIONS CONTAINED MEMORANDUM OF CONSULTATION OF DECEMBER 1972. APPARENTLY GOA PLAN IS TO PROBE WITH US CARRIERS FOR WEAKNESSES IN US POSITION AND TO THEN SEEK SOME TYPE OF FORMAL NEGOTIATION FOR THE PURPOSES OF UPSETTING OR CANCELING COMMITMENTS IN THE MEMORANDUM OF CONSULTATION AND ESTABLISHING FUTURE CIVAIR RELATIONS ON BASIS AGREEABLE TO NEW GOA AUTHORITIES. END SUMMARY.

2. EMBASSY BELIEVES THAT GOA CONSIDERATION OF US/ARGENTINE CIVIL AIR PROBLEM HAS PROCEEDED ABOUT AS FOLLOWS DURING PAST FIVE WEEKS FOLLOWING FOREIGN OFFICE STATEMENT OF MID-JULY THAT THEY NEEDED UNTIL AUGUST 31 TO STUDY MEMORANDUM OF CONSULTATION AND CIVIL AIR MATTERS. DURING LAST WEEK JULY GOA'S INTER-AGENCY STUDY GROUP MET AND PRODUCED A DRAFT DOCUMENT WHICH NOTES TWO GOVERNMENTS HAD PREVIOUSLY SIGNED AN AGREEMENT THAT IS REGISTERED WITH ICAO AND THOUGH NOT RATIFIED MUST BE TAKEN INTO ACCOUNT, THAT QUOTE PARITY OF RESULTS UNQUOTE BETWEEN THE PARTIES IS NECESSARY QUOTE FOR ADEQUATE RECIPROCITY UNQUOTE, THAT A PROPER POLICY COVERING INTERNATIONAL CIVIL AIR MATTERS MUST BE BASED UPON AN EQUALITY OF POSSIBILITIES BECAUSE OF THE DIFFERENCE IN POTENTIAL (BETWEEN VARIOUS
CONFIDENTIAL
CONFIDENTIAL

PAGE 02 BUENOS 06394 291437Z

AIRLINES), AND THAT WHILE INTERNATIONAL ORDER REQUIRES MAINTENANCE OF A PRINCIPLE OF CONTINUITY WITH REFERENCE TO SIGNED INDICATIONS

OF INTENT, THE LATTER MUST BE SUBJECT TO ADJUSTMENTS INDICATED BY EXPERIENCE. THE DOCUMENT GOES ON TO RECOMMEND: (A) RENEGOTIATION OF THE MEMORANDUM OF CONSULTATION; (B) NEGOTIATIONS SHOULD BE BASED ON 1947 US/ARGENTINE AGREEMENT; (C) NEW AGREEMENT SHOULD BE BASED ON PARITY AND RECIPROCITY IN THE SENSE THAT IT OFFERS EQUITY OF OPPORTUNITY AND ECONOMIC TREATMENT IN ACCORDANCE WITH CHICAGO CONVENTION; (D) EQUALITY OF ECONOMIC TREATMENT SHOULD MEAN EQUALITY OF RESULTS WITH PROVISION FOR INCREASES IN GROWTH OF TRAFFIC DEMAND NEGOTIATED BETWEEN AIRLINES IF POSSIBLE OR BETWEEN GOVERNMENTS, IF AIRLINES DISAGREE AND (E) THAT DURING NEGOTIATIONS THE PRESENT STATUS QUO SHOULD BE MAINTAINED. THE RECOMMENDATIONS OF THE STUDY COMMISSION THEREFORE FOLLOW CLOSELY THE INFORMATION WHICH WE HAD RECEIVED AND WHICH WAS REPORTED IN REF (B).

3. WE FURTHER UNDERSTAND THAT DURING THE FIRST WEEKS OF AUGUST THE STUDY GROUP MET AGAIN UNDER PRESSURE TO SUPPLY POSSIBLE ALTERNATIVES IN SEEKING AGREEMENT WITH US BUT THAT IT WAS UNABLE TO DO SO AND RATIFIED THE RECOMMENDATION SUMMARIZED IN PARA (1).

4. THERE IS EVIDENCE THAT ABOUT AUGUST 21 THE FOREIGN OFFICE PRESSED THE UNDERSECRETARY OF TRANSPORTATION AND DNTAC FOR THEIR VIEWS SO THAT THE FOREIGN OFFICE MIGHT BE PREPARED TO TAKE ACTION VIS-A-VIS USG BY AUGUST 31 DEADLINE.

5. WE NOW HOLD COPY OF DOCUMENT SENT BY DNTAC DIRECTOR BRIGADIER (R) EMILIO ERNESTO NEME TO FOREIGN OFFICE. DOCUMENT BEARS ARGENTINE CLASSIFICATION OF SECRET. SUBSTANTIVE PART MAY BE SUMMARIZED AS FOLLOWS. BECAUSE FO HAS INDICATED THAT US AUTHORITIES APPEAR TO BE MAINTAINING THEIR POSITION AGAINST NEGOTIATING ON THE BASIS OF THE 1947 AGREEMENT WHILE AT THE SAME TIME ARGENTINE AUTHORITIES WILL NOT ACCEPT NEGOTIATIONS BASED ON CONTENTS OF THE MEMORANDUM OF CONSULTATION, IT SHOULD BE NOTED THAT THE PROPOSAL TO LINK THE MEMORANDUM AND THE 1947 AGREEMENT WAS PUT FORWARD TO STRENGTHEN THE BASIS FOR NEGOTIATIONS BECAUSE OF THE WEAKNESSES OF THE MEMORANDUM UNDER PRESENT NORMS AND LEGAL (ARG) BACKGROUNDS AND ALSO BECAUSE OF THE DAMAGE WHICH APPLICATION OF THE MEMORANDUM WOULD CAUSE TO THE NATIONAL AIRLINE. DNTAC CONTINUING TO STUDY MATTER BUT BELIEVES THAT ANY ACTIONS TAKEN BY FO SHOULD BE BASED UPON POSITION THAT GOA AUTHORITIES WILL NOT CARRY OUT MEMORANDUM
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 BUENOS 06394 291437Z

OF CONSULTATION SIGNED DECEMBER 1972 BECAUSE IT IS NOT IN ACCORD WITH ARGENTINE NATIONAL INTERESTS AND, INSTEAD, WILL MAINTAIN THE PRESENT STATUS QUO UNTIL AN ARRANGEMENT IS REACHED THAT ADEQUATELY TAKES INTO ACCOUNT THE INTERESTS OF THE AIRLINES OF BOTH NATIONS. DOCUMENT CONTINUES STATING DNTAC WILL UNDERTAKE MEETINGS WITH THE REPRESENTATIVES OF AIRLINES OF BOTH COUNTRIES IN ORDER TO ESTABLISH THOSE POINTS ON WHICH THEY ALL AGREE AND PREPARE FOR FURTHER ACTION AS RECOMMENDED BY THE WORKING GROUP. DNTAC REALIZES THAT THE ACTION IT PROPOSES, IN PRACTICE, BEGINS A RENEGOTIATION PROCEDURE WHICH SHOULD AVOID GENERATING A CRITICAL SITUATION OF CONFRONTATION BUT

SHOULD HAVE THE ADVANTAGE OF BRINGING TO LIGHT THE POSITIONS TAKEN BY THE US AIRLINES, QUOTE WHICH, GIVEN THE INTIMATE RELATIONSHIP WHICH THEY MAINTAIN WITH THE AERONAUTICAL AUTHORITIES AND THEIR GOVERNMENT, WILL GIVE US A BASIS FOR JUDGING THE OPINION OF THE LATTER UNQUOTE. DNTAC CONTINUES THAT IN CARRYING OUT THE PROCEDURE RECOMMENDED IT WILL KEEP IN MIND THAT IT IS THE FO THAT WILL BE IN CHARGE OF NEGOTIATIONS WHICH WILL COMPLETE THE FORMAL PROCESS LEADING TO A NEW ARRANGEMENT.

6. EMBASSY ANTICIPATES THAT SHORTLY AFTER AUGUST 31, IT WILL RECEIVE COMMUNICATION FROM FO THAT WILL PROPOSE SOME TYPE OF DISCUSSION INTENDED TO LEAD TOWARD A NEW AGREEMENT AND PROPOSING, UNTIL A NEW AGREEMENT IS REACHED, THAT ACTIVITIES OF AEROLINEAS, BRANIFF AND PAA BE MAINTAINED AT PRESENT LEVELS.
LODGE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BUENOS06394
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS LODGE
Errors: N/A
Film Number: n/a
From: BUENOS AIRES
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973089/aaaaaggz.tel
Line Count: 130
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) STATE 145208; B) BA-5274
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 15 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15-Jan-2002 by martinjw>; APPROVED <06-Feb-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR US/ARGENTINE ARRANGEMENT
TAGS: ETRN, AR
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005